

MASSACHUSETTS

Workforce Investment Act

STEERING COMMITTEE

WIA Communication No. 00-42

☒ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Area Directors or Designee
Career Center Directors
DET Regional Directors
DET Area Directors

cc: WIA State Partners

From: Jonathan Raymond, President
Corporation for Business, Work, and Learning

Date: October 18, 2000

Subject: Welfare to Work Participant Eligibility Amendments of 1999

Purpose: The Welfare to Work (WTW) Participant Eligibility Policy (previously issued on May 29, 1998 as CBWL Policy 98-15, and amended on October 6, 1998) has been updated to include the changes for implementing new rules governing eligibility for the Welfare to Work program effective July 1, 2000.

Background: Title VIII of H.R. 3424, enacted as part of the Consolidated Appropriations Act for FY2000, contains the “Welfare to Work and Child Support Amendments of 1999” (The 1999 Amendments), and was signed into law by the President on November 29, 1999.

The amendments make significant changes to the WTW grant programs administered by the Department of Labor (DOL). The changes will allow WTW operating entities to more effectively serve long-term welfare recipients, non-custodial parents of low-income children and other hard to employ individuals. The new amendments do not change the 70 percent hard-to-employ expenditure provisions described in WTW Interim Rules at 20 CFR 645.211, but do revise the definitions of 70% hard-to-employ individuals as well as the types of individuals that can be served with the 30% funds. DOL’s preliminary guidance on these program changes has been incorporated into this policy.

Policy: The operators of WTW programs funded by CBWL must ensure that WTW funds are spent only on individuals who are eligible for WTW. Operators must update the local WTW Eligibility Policy to include compliance with the Welfare-to-Work Interim Rule at 645.214 (in effect through June 30, 2000) and to add compliance with the Welfare-to-Work and Child Support Amendments of 1999 (in effect from July 1, 2000).

It is not necessary to submit revised eligibility policies to CBWL for approval. Local WTW eligibility policies and WTW participant files will be subject to compliance review during monitoring conducted by the Corporation for Business, Work, and Learning.

Action

Required: Please distribute copies of this policy to all appropriate individuals in your organization, and take appropriate action to ensure compliance with this policy, including updating eligibility in MOSES for certain WTW participants. See Transfer Provisions under the 1999 Amendments (page 16).

Effective: July 1, 2000

References: Balanced Budget Act of 1997 - Amendments to the Social Security Act at Title V- Welfare and Related Provisions, Subtitle A - TANF Block Grant Section 5001. Welfare-to-Work Interim Rule, 20 CFR Part 645, Nov. 18, 1997. H.R. 3424 - Title VIII, Welfare to Work and Child Support Amendments of 1999. USDOL TEGL No. 4-00, Sept. 7, 2000

Inquiries: Questions related to this policy should be directed to Gene White at (617) 727-8158, extension 1391.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as 00-42.

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INTRODUCTION

The purpose of the Welfare-to-Work program is to provide transitional assistance, which moves hard-to-employ welfare recipients living in high poverty areas into unsubsidized employment and economic self-sufficiency. The Welfare to Work program targets welfare recipients who will have the most difficulty transitioning into employment.

The 1999 Amendments

Previously, the Welfare-to-Work Interim Rule at 20 CFR 645.211 established two provisions (70% and 30% provisions) under which individuals may qualify for WTW services. The 1999 Amendments retain these provisions, and distinguish them as *general* eligibility and *other* eligibility:

General Eligibility

At least 70 percent of the WTW (*program*) funds allotted to or awarded to an operating entity must be spent to benefit hard-to-employ individuals.

Other Eligibility

Not more than 30 percent of the WTW funds ...may be spent to assist individuals who (*do not meet the criteria for hard-to-employ but*) have characteristics associated with long-term welfare dependence...

While the 1999 amendments retain the 70% and 30% spending provisions, the amendments change the *eligibility criteria* under each provision. The changes have the effect of bringing more individuals into the 70% eligibility category of hard-to-employ - including individuals that could previously be served only in the 30% category. The changes also bring additional categories into the 30% eligibility provision – including individuals that previously could not be served in either the 70% or 30% provision.

(For ease of reference, the criteria for WTW eligibility defined in the Interim Rule are now referred to as the “old” rules as contrasted to the “new” rules listed in the 1999 Amendments.)

70 Percent Eligibility Provisions under the 1999 Amendments

(See the Old Rules/New Rules Charts)

Eligibility criteria under the 70% criteria no longer requires “two out of three additional barriers”, thus streamlining eligibility for long-term or time-limited TANF recipients, exhaustees, and non-custodial parents.

Eligibility for non-custodial parents has been expanded but each non-custodial parent will now have to enter into a *personal responsibility contract* when enrolled. Operators are also required to consult with domestic violence organizations in developing projects to serve non-custodial parents. The Amendments also permit state child support enforcement agencies to share certain information relating to non-custodial parents with workforce investment boards to assist in carrying out WTW projects. *Note: Since the Amendments effectively expanded the eligibility*

category for serving non-custodial parents in the 70 percent provision, there is no longer a specific eligibility category for non-custodial parents in the 30 percent provision.

Eligibility of non-custodial parents has also been expanded to include individuals who are unemployed, underemployed or having difficulty paying child support. Non-custodial parents are now eligible if their minor children are eligible for or are receiving TANF benefits, with priority given to custodial parents with children who are long-term recipients. Operators must create a mechanism for ensuring that this group of non-custodial parents receives preference. The amendments do not intend, however, that the priority category of eligibles be exhausted before other categories may be served.

Non-custodial parents may also qualify under the 70% provision if their children are eligible for or are receiving assistance under the Food Stamp program, the Supplemental Security Income program, Medicaid, or the State Children's Health Insurance program. (Medicaid and the Children's Health Insurance Program in Massachusetts are provided through MassHealth, administered by the Division of Medical Assistance.) The Amendments do not require the WTW operators to determine eligibility for these children, nor does it allow WTW operators to determine eligibility for other programs. LWIBs and WTW operators should coordinate with other agencies to establish local processes to implement these criteria. (USDOL has stated that additional guidance will be provided in the final WTW regulations on how to create an appropriate mechanism for making a presumptive eligibility based on the above criterion.)

30 Percent Eligibility Provisions under the 1999 Amendments

(See the Old Rules/New Rules Charts)

Under the old rules non-custodial parents and exhaustees could be served under the 30% provision. Under the new rules they can be served under the 70% provision and are no longer included in the eligibility for the 30% provision.

Current TANF recipients with characteristics associated with long-term welfare dependency remain eligible under the 30% provisions. A separate category has been added for current recipients who have significant barriers to self-sufficiency, according to self-sufficiency criteria established by the workforce investment board.

Two additional categories for eligibility have been created, under the 30% provision, to serve youth 18-25 who have been in foster care and custodial parents with income below the poverty line.

An Allowable Activity Added

In addition to the changes in eligibility, the Amendments add as an allowable activity pre-employment vocational education and job training, which may be provided for up to six (6) months prior to entering a work activity.

Effective Date for 1999 Amendments

The new eligibility criteria took effect on July 1, 2000 and supercedes the old eligibility criteria in effect up to that date. However, due to the linkage of the WTW Amendments to the

appropriations for the federal fiscal year starting October 1, expenditure of WTW funds through September 30, 2000 also requires eligibility under the old criteria. Thus, from July 1, 2000 to September 30, 2000, WTW operating entities **can enroll and spend** Federal formula funds only on individuals who both meet the new eligibility criteria and meet (or would have met) the old eligibility criteria as of July 1, 2000.

The 1999 Amendments restrict expenditures until the start of the federal fiscal year from allotments for individuals who would not have been eligible before July 1, 2000. WTW operating entities **can enroll** individuals who only meet the new eligibility criteria beginning July 1, 2000, but **cannot spend** Federal formula funds on them until October 1, 2000 if they do not meet the old eligibility criteria. This is quite likely to occur since the new eligibility rules expand the range of most categories. During the period of July 1, 2000 to September 30, 2000, operating entities may incur unpaid obligations within the normal course of business, for individuals only meeting the new criteria and pay for those expenditures after October 1, 2000. Operators may also use funds from non-WTW sources to pay for some or all of these expenses.

Any individual applicant meeting only the old criteria after July 1, 2000 will not be eligible and **cannot be enrolled** in the WTW program. Because the new eligibility criteria are broader than the old criteria, almost all individuals who could have met the old criteria will also meet the new criteria. It is possible (although unlikely) that some non-custodial parents who may have had “barriers” under the old rules will not meet the new criteria of unemployed, underemployed, or having difficulty paying child support obligations.

Individuals already enrolled in the WTW program prior to July 1, 2000 continue to be eligible for services, without any update of eligibility status, for the duration of services to be received. However, since many 30% participants may be eligible now under the new 70% rules, it is recommended that operators update eligibility status of all FY01 carry-in participants.

DEFINITION OF TERMS

TANF: Temporary Assistance for Needy Families.

DTA: Department of Transitional Assistance; administers the TANF program in Massachusetts.

TANF Recipient: An individual who is currently receiving TANF Assistance.

TANF Assistance: Includes all forms of support provided to families under TANF (including childcare, work subsidies, and allowance to meet living expenses), **except**

- *Non-monetary assistance:* Services that have no direct monetary value and do not involve implicit or explicit income support. Such services include counseling, case management, peer support, and employment services that do not involve subsidies or other forms of income support;
- or
- *One-time, short term monetary assistance:* Assistance paid within a 30 day period, no more than once in any twelve-month period, to meet the needs that do not extend beyond a 90 day period, such as automobile repair to retain employment and avoid welfare receipt and appliance repair to maintain living arrangements.

Long-Term Recipient: An individual who has received assistance under the TANF program or its predecessor program for at least 30 months, whether consecutive or not.

Time-Limited recipient: An individual who will become ineligible for assistance within 12 months due to either Federal or State-imposed durational time limits on receipt of TANF assistance. This includes individuals who have been exempted from the durational limits due to hardship pursuant to section 408(a)(7)(C) of the Social Security Act, but would face termination within 12 months without the exemption.

Exhaustee: An individual who has become ineligible for assistance due to either Federal or State-imposed durational time limits on receipt of TANF assistance.

Poor Work History: Having worked no more than three consecutive months (full time in unsubsidized employment for 13 consecutive weeks) in the last twelve calendar months . Hours worked in Community Service or other uncompensated employment activities are excluded from this calculation.

Substance Abuse: An individual who abuses alcohol or other drugs or in recovery and requires substance abuse treatment for employment.

Low Skills in Reading or Mathematics: Testing at or below an 8.9 grade level in either reading or mathematics.

DEFINITION OF TERMS

***Non-Custodial Parent:** A parent who has a minor child but does not live with, or have primary custody of, the child. Under the 1999 Amendments eligibility under the 70% provision is extended to non-custodial parents who are unemployed, underemployed, or having difficulty paying child support obligations and at least one of the following applies, with preference for those who meet the criteria under (a):

- (a) The minor child OR the custodial parent of the minor child is currently in receipt of TANF, and either has been in receipt of TANF for 30 months or longer (not necessarily consecutive), or will become ineligible for TANF within 12 months due to a duration limit.
- (b) The minor child is eligible for, or is receiving, TANF.
- (c) The minor child received TANF in the 12 month period preceding the date of the determination but no longer receives such benefits.
- (d) The minor child is eligible for, or is receiving,
 - Assistance under the Food Stamp Act of 1977,
 - Benefits under the Supplemental Security Income program under Title XVI of this Act,
 - Medical assistance under Title XIX of this Act, or
 - Child health assistance under Title XXI of this Act.

AND, enter into a personal responsibility contract.

***Unemployed Individual:** The term “unemployed” has been added to the WTW eligibility criteria by the 1999 Amendments, but has not been defined in the Amendments. The definition of unemployed found under Title I, Subtitle A §106 Definitions of the Workforce Investment Act will apply, as follows:

An individual who is without a job and who wants a job, and is available for work.

***Underemployed Individual:** The term “underemployed” has been added to the WTW eligibility criteria by the 1999 Amendments, but has not been defined in the Amendments. Pending further definition by DOL, the following descriptions from the Bureau of Labor Statistics are provided as guidance to local areas: Local boards may adopt a more restrictive definition of underemployed, but not a more liberal definition than the description below.

- An individual who usually works full-time but currently works part-time (less than 35 hours per week) due to slack work or unfavorable business conditions;
- An individual who usually works less than 35 hours a per week because they could not find full-time work due to slack work or unfavorable business conditions; or
- An individual whose employment does not make use of, or pay according to, their skills, training and experience.

**Definitions added or revised in accordance with the 1999 Amendments.*

DEFINITION OF TERMS

***Having Difficulty Paying Child Support Obligations:** The local board in consultation with the state or local child support enforcement entity will determine the eligibility criteria. The preamble of the final regulations will present some examples that may be considered.

***Self-Sufficiency:** The term self-sufficiency has been added to the WTW eligibility criteria by the 1999 Amendments, but has not been defined in the Amendments. The definition of self-sufficiency found under Title I, Subtitle A §106 Definitions of the Workforce Investment Act will apply, pending further definition by DOL, as follows:

The local board must set the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must provide that self-sufficiency means employment that pays at least the lower living standard income level.

***Custodial Parent:** A parent who lives with, and has primary custody of, a minor child. Custodial parents who have income below the poverty line (but are not recipients of TANF) are eligible for WTW services under the 30% provision.

***Youth Aging Out of Foster Care:** Youth who have attained 18 years of age but not 25 years of age AND who, before attaining 18 years of age, were recipients of foster care maintenance payments or were in foster care under the responsibility of a State.

**Definitions added or revised in accordance with the 1999 Amendments.*

OLD RULES

ELIGIBILITY UNDER THE 70 PERCENT PROVISION

The Welfare-to-Work Grants; Interim Rule at 20 CFR 645.212 established three eligibility criteria (A, B or C below) for hard-to-employ individuals to be served under the 70 Percent Provision. The 70 Percent Provision: At least 70 percent of the WTW (*program*) funds allotted to or awarded to an operating entity must be spent to benefit hard-to-employ individuals.

A. CURRENT RECIPIENT	<u>or</u>	B. NON-CUSTODIAL PARENT	<u>or</u>	C. EXHAUSTEE
<p>The individual is a long term (LT) and/or a time-limited (TL) current recipient of TANF assistance,</p> <p style="text-align: center;"><u>and</u></p> <p>the individual has two of the following three barriers to employment:</p>		<p>The individual is a non-custodial parent of:</p> <ul style="list-style-type: none"> • a minor who is a LT or TL current recipient of TANF assistance, <u>or</u> • a minor <i>whose custodial parent</i> is a LT or TL current recipient of TANF assistance, <p style="text-align: center;"><u>and</u></p> <p>the <u>non</u>-custodial parent has two of the following three barriers to employment:</p>		<p>The individual is an exhaustee of TANF assistance,</p> <p style="text-align: center;"><u>and</u></p> <p>the individual has two of the following three barriers to employment:</p>
<p style="text-align: center;">Three Barriers</p> <ol style="list-style-type: none"> 1) Has not completed secondary school or obtained a certificate of general equivalency, <u>and</u> has low skills in reading or mathematics. At least 90 percent of individuals determined to have low skills in reading or mathematics must be proficient at the 8.9 level or below. 2) Requires substance abuse treatment for employment. 3) Has a poor work history. At least 90 percent of individuals determined to have a poor work history must have worked no more that 3 consecutive months in the past 12 calendar months, in full time unsubsidized employment. 			<p style="text-align: center;">10% Window</p> <p>Up to 10% of those enrolled who have low skills in reading or math or who have a poor work history under the 70 Percent Provision may be qualified under a more flexible definition of those barriers to recognize individual circumstances.</p> <p>Operating entities must ensure that flexible definitions constitute a legitimate barrier to employment for each individual qualified under the 10% window.</p>	

NEW RULES

“GENERAL ELIGIBILITY” UNDER THE 70 PERCENT PROVISION

The 1999 Amendments changed the three eligibility criteria (as shown in A, B or C below) for hard-to-employ individuals to be served under the 70 Percent Provision. The amendments eliminated the additional “barriers to employment” for Current Recipients, Non-Custodial Parents and Exhaustees. The amendments provided new definitions to the Non-Custodial Parent criteria, expanding the population that may be served under the criteria.

A. CURRENT RECIPIENT	-or- B. NON-CUSTODIAL PARENT	-or- C. EXHAUSTEE
<p>The individual is a long term (LT) and/or a time-limited (TL) current recipient of TANF assistance.</p>	<p>Non-custodial parents are eligible if:</p> <ol style="list-style-type: none"> 1. They are unemployed, underemployed, or having difficulty paying child support obligations; and 2. Their minor children: <ul style="list-style-type: none"> • Are eligible for, or receiving, TANF benefits (with preference for parents with children who are LT recipients); or • Received TANF benefits during the preceding year; or • Are eligible for, or receiving, assistance under <ul style="list-style-type: none"> ▪ Food Stamps, ▪ Supplemental Security Income, ▪ Medicaid (MassHealth), or ▪ Children’s Health Insurance Program (MassHealth); and 3. They enter into a personal responsibility contract under which they commit to cooperating in establishing paternity and paying child support, participating in services to increase their employment and earnings, and to support their children. 	<p>The individual is an exhaustee of TANF assistance.</p>

OLD RULES

ELIGIBILITY UNDER THE 30 PERCENT PROVISION

The Welfare-to-Work Grants; Interim Rule at 20 CFR 645.213 established three eligibility criteria (A, B or C below) for who may be served as an individual with long-term welfare-dependence characteristics under the 30 Percent Provision. The 30 Percent Provision: Not more than 30 percent of the WTW funds may be spent to assist individuals who *(do not meet the criteria for hard-to-employ but)* have characteristics associated with long-term welfare dependence.

A. CURRENT RECIPIENT	B. NON-CUSTODIAL PARENT	C. EXHAUSTEE
<p>The individual is a current recipient of TANF assistance,</p> <p><u>and</u></p> <p>the individual has at least one of the following characteristics associated with long-term welfare dependence:</p>	<p>The individual is a non-custodial parent of:</p> <ul style="list-style-type: none"> • a minor who is a current TANF recipient, <u>or</u> • a minor <i>whose custodial parent</i> is a current TANF recipient, <p><u>and</u></p> <p>the <u>non</u>-custodial parent has at least one of the following characteristics associated with long-term welfare dependence:</p>	<p>The individual is an exhaustee of TANF assistance,</p> <p><u>and</u></p> <p>the individual has at least one of the following characteristics associated with long-term welfare dependence:</p>
<p style="text-align: center;">Characteristics</p> <ol style="list-style-type: none"> 1. High School Dropout 2. Low Reading and/or Math Skills 3. Substance Abuse 4. Lacks/Poor Work History 5. Limited English Language Proficiency 6. Homeless 7. More Than One Dependent 8. Disabled 9. Disabled Family Member 10. Offender 11. Public/Subsidized Housing 12. Pregnant/Parenting Youth 13. Non-English High School Diploma 14. Enterprise Community Zone/High Poverty Census Tract <p>See the chart of 30% Welfare Dependence Characteristics for more complete definitions.</p>		

NEW RULES

“OTHER ELIGIBLES” UNDER THE 30 PERCENT PROVISION

The 1999 Amendments expanded eligibility for exhaustees and non-custodial parents under the 70% provisions and eliminated these categories from the 30% provision. There are now four categories of eligibility under the 30% provision: current recipients with characteristics associated with long term welfare dependency, current recipients who have significant barriers to self sufficiency, youth aged 18-25 who have been in foster care, and custodial parents with incomes below the poverty line.

<p style="text-align: center;">A. CURRENT RECIPIENT</p>	<p style="text-align: center;">-or- B. CURRENT RECIPIENT</p>	<p style="text-align: center;">-or- C. FOSTER CARE YOUTH</p>	<p style="text-align: center;">-or- D. CUSTODIAL PARENT</p>
<p style="text-align: center;">The individual is a current recipient of TANF assistance, <u>and</u> the individual has at least one of the following characteristics associated with long-term welfare dependence*:</p> <ol style="list-style-type: none"> 1. High School Dropout 2. Low Reading and/or Math Skills 3. Substance Abuse 4. Lacks/Poor Work History 5. Limited English Language Proficiency 6. Homeless 7. More Than One Dependent 8. Disabled 9. Disabled Family Member 10. Offender 11. Public/Subsidized Housing 12. Pregnant/Parenting Youth 13. Non-English High School Diploma 14. Enterprise Community Zone/High Poverty Census Tract 	<p style="text-align: center;">The individual is a current recipient of TANF assistance who has significant barriers to self-sufficiency, according to criteria established by the workforce investment board.</p>	<p style="text-align: center;">The individual is a youth aged 18-25 who has been in foster care.</p>	<p style="text-align: center;">The individual is a custodial parent with income below the poverty line.</p>

*See the chart of 30% Welfare Dependence Characteristics for more complete definitions.

30 % WELFARE DEPENDENCE CHARACTERISTICS

1. **High School Dropout** - Individual has not completed secondary school or obtained a certificate of equivalency. Individual's highest grade level completion will be recorded as less than 12.
2. **Low Reading and/or Math Skills** - An individual's reading and/or math skills grade level is less than or equal to 8.9, using a generally accepted standardized or criterion-referenced test, or from school records.
3. **Substance Abuse** - An individual who abuses alcohol or other drugs or in recovery and requires substance abuse treatment for employment.
4. **Lacks/Poor Work History** - An individual who has not worked for more than 3 consecutive months in the past 12 calendar months prior to WTW eligibility determination (also includes no work history).
5. **Limited English Language Proficiency** - The inability of an individual whose native language is not English, and is unable to communicate in English, resulting in a barrier to employment.
6. **Homeless** - An individual who lacks a fixed, regular, or adequate nighttime residence, including an individual who has a primary nighttime residence that is a public or private shelter/institution for temporary accommodation.
7. **More Than One Dependent** - An individual who has custodial responsibility for more than one dependent.
8. **Disabled** - An individual who has a physical (motion, vision, hearing) or mental (learning or developmental) impairment which substantially limits one or more of such person's major life activities and has a record of such an impairment, or is regarded as having such an impairment.
9. **Disabled Family Member** - An individual who has a disabled family member (i.e. spouse, child, grandchild, or other related family member) living in the same household residence.
10. **Offender** - An individual who has been subject to any stage of the criminal justice process and who requires assistance in overcoming barriers to employment resulting from a record of arrest or conviction.
11. **Public/Subsidized Housing** - An individual who resides in a public housing development maintained by a local housing authority or in housing for which money was paid by the federal, state or local government, or through a private social service agency, to the individual or to the owner of the housing to assist the family in paying rent.
12. **Pregnant/Parenting Youth** - A pregnant individual who is under 22 years of age and/or an individual who is under 22 years of age and whose child is a member of the TANF family.
13. **Non-English High School Diploma** - An individual who has completed secondary school, whose highest grade completed is at least 12, and whose diploma is in a language other than English.
14. **Enterprise Community Zone / High Poverty Census Tract** - An individual residing in a federally designated Enterprise Community Zone or high poverty census tract locality verified by City/Town Planning or Community Development Departments.
15. **Former Foster Care Youth** - A youth aged 18 and 25 who, before attaining age 18, was in state foster care, or received state foster care maintenance payments.
16. **Barriers to Self-sufficiency** - A current TANF recipient with significant barriers to self-sufficiency in accordance with criteria set by the workforce investment board.
17. **Custodial Parent Below Poverty** - A custodial parent who is not a TANF recipient but whose income is below the poverty line.

Note: 15, 16, and 17 have been added in accordance with the 1999 Amendments.

DEVELOPMENT OF LOCAL ELIGIBILITY POLICIES

Determining Eligibility of Current Recipients

The operating entity must ensure that there are mechanisms in place to determine WTW eligibility for individuals who are receiving TANF assistance (*current recipients*). These mechanisms must include arrangements with the TANF agency to ensure that WTW eligibility determination is based on information current at the time of the WTW eligibility determination, about whether an individual is:

- receiving TANF assistance;
- the length of receipt of assistance;
- when the individual may become ineligible for assistance.

Determining Eligibility for Non-Recipients

The operating entity must ensure that there are mechanisms in place to determine WTW eligibility for individuals who are not receiving TANF assistance (*non-custodial parents, youth aging out of foster care, custodial parents with incomes below poverty level*), or individuals who have reached time limits (*exhaustees*) on receipt of TANF.

These mechanisms may include but are not limited to:

- 1) Using staff from the operating entity to determine eligibility;
- 2) Entering into agreements with local agencies such as the TANF agency and other appropriate agencies which foster coordination and facilitate the exchange of eligibility information among parties at the local level (*e.g., substance abuse treatment providers, child support enforcement agencies, courts, DSS*); and/or
- 3) Performing joint eligibility determination with other appropriate agencies, including the TANF agencies.

Eligibility Timeframes

Local eligibility policies may include a determination of WTW eligibility based on information that was collected by the operating entity or the TANF agency up to **six months** prior to WTW eligibility determination (645.214 (b) (2)).

Note: The operating entity may also make a determination for WTW eligibility based on a shorter time period or may decide that for some characteristics current information is required.

Once an individual begins to receive WTW services the operating entity is not required to re-determine WTW eligibility. 645.214 (d)

Personal Responsibility Contract

The operating entity must ensure that there are mechanisms in place for the development of

personal responsibility contracts for non-custodial parents enrolled after July 1, 2000. Non-custodial parents, including those transferred from 30% under the old rules to 70% under the new rules, are required to enter into a personal responsibility contract in order to be served in WTW programs. Under these contracts non-custodial parents must;

1. Commit to cooperate, at the earliest opportunity, in the establishment of the paternity of the minor child,
2. Commit to cooperate in the payment of child support for the minor child,
3. Commit to participate in employment or related activities that will enable the non-custodial parent to make regular child support payments, and
4. Commit to participate in the services that are described in the contract.

The non-custodial parent must comply with an oral or written contract, entered into among the applicant, the operating entity and the agency responsible for administering the State plan under Part D of the Social Security Act (child support enforcement agency). The contract agreed upon must include the employment and child support status of the non-custodial parent, which is to be entered into not later than 30 (or at the option of the operating entity, not later than 90) days after the non-custodial parent is enrolled in the program. If the individual were to enter into an oral contract then it would be advisable to document the information in the participant file.

Use of State Information for Recruiting Non-Custodial Parents

State agencies responsible for enforcing child support orders (State IV-D agencies) are authorized to share information on non-custodial parents for the purpose of identifying and contacting them regarding participation in the WTW program. This information can include names, addresses, telephone numbers and identifying case number information, and can only be shared with WTW grantees, as administrative entities of the local Workforce Investment Boards. *Operating entities must have procedures in place for safeguarding the privacy of this information and for ensuring that the information will be used solely for WTW recruiting purposes.*

Transfer Provisions Under the 1999 Amendments

Individuals enrolled currently in the 30 percent portion (old rules) of WTW may become eligible to transfer to the 70 percent portion (new rules). Because the individual has already been determined eligible for the WTW program, it will not be necessary to redetermine eligibility. Operating entities can rely upon the information collected at the time of the initial enrollment with WTW, rather than eligibility information available at the time of the individual's transfer from the 30 percent portion to the 70 percent portion. Operators are not mandated to transfer individuals from the 30 percent provisions to the 70 percent provisions, but when they do they must document the transfer in the participant file to explain the reason for each transfer.

Operators choosing to make eligibility transfers from 30% to 70% for participants carried in from FY00 should assure that the transfers are reflected in the MOSES database. The actual processing date for such transfers (eligibility updates) will, however, not affect reporting; all such transfers will be effective retroactively to July 1, 2000 regardless of the date on which the updated eligibility is recorded on MOSES. Once the eligibility is updated operators can retroactively adjust their fiscal charges to July 1, 2000.

Eligibility Documentation

WTW Eligibility Policies developed by operating entities must specify the documentation source for each of the eligibility items listed in the new rules/old rules chart *Eligibility Documentation Sources* on page 18. Additional information on these eligibility elements, which are also needed for DTA/TANF reporting, has been provided in the Welfare to Work Participant Reporting Guidance developed by the WTW Reporting Task Force.

Prior to July 1, 2000 eligibility information has been entered into the automated Client Management System (Sun system) from the WTW Registration form (see Participant Reporting Guidance). Effective July 1, 2000, eligibility information will be entered into the Massachusetts One Stop Employment System (MOSES). Operating entities will be responsible for collecting and entering WTW client information in compliance with the WTW Participant Reporting Guidance. The Registration form must be signed by the Applicant and the Eligibility Reviewer.

Regarding Applicant Statements

In cases where local policy specifies that an applicant statement will constitute the documentation for an eligibility item, the applicant statement on the Registration form which begins "I hereby certify..." may be considered as meeting the requirement, or the operating entity may require a separate statement.

Documenting Barriers and Characteristics

The Interim Rule contains language regarding possible documentation sources for 70% and 30% barriers and characteristics. The following passage is excerpted from the preamble to the WTW Interim Rule at Page 61591, Criterion b of the 70 Percent Provision: Barriers to Employment.

TANF agencies are required to perform an initial assessment of the skills, prior work experience, and employability for each TANF recipient who is at least 18 years old, or who has not completed high school (or equivalent) and is not attending secondary school.

The information collected in a DTA assessment and the related Individual Responsibility Plan (IRP) may not include specifics such as grade level test scores in reading and math, but may offer information about particular barriers or characteristics. The operating entities will be responsible for determining the use of information available from DTA assessment documents for eligibility purposes.

Old Rules

ELIGIBILITY DOCUMENTATION SOURCES

This chart provides a summary of the WTW eligibility items and possible sources of eligibility documentation. Operating entities must indicate, in the local Eligibility Policy, eligibility documentation sources that will be used for each eligibility item.

WTW Eligibility Items	Possible Sources of Eligibility Documentation ¹
<u>Recipient Status</u> TANF Recipient Long-Term Recipient Time-Limited Recipient Exhaustee	<u>Recipient (must include one of these)</u> TAFDC Master File with DTA Case # Employment Services Program ESP 16 Form Local Office SDA/DTA Certified Verification Form
<u>Non-Custodial Parent Status</u>	<u>Non-Custodial Parent (must include one of these)</u> Court Records/Divorce Papers Letter from Department of Revenue Letter from DTA
<u>70% Barriers to Employment</u> 1 Poor Work History 2 Substance Abuse 3 H.S. Dropout/ Low Reading and/or Math Skills	<u>70% Barriers and 30% Characteristics</u> <ul style="list-style-type: none"> • Assessment (Completed by DTA) • Individual Responsibility Plan (DTA) • Assessment Completed by Operator • Individual Service Strategy (ISS) by Operator • Applicant Statement • Generally accepted standardized test scores • Test scores from school records • Letter from Drug/Alcohol Rehabilitation Agency • Medical records • Physician's statement • Rehabilitation evaluation • Social service records
<u>30% Welfare Dependence Characteristics</u> 1 H.S. Dropout 2 Low Reading and/or Math Skills 3 Substance Abuse 4 Poor Work History 5 Limited English 6 Homeless 7 More than One Dependent 8 Disabled 9 Disabled Family Member 10 Offender 11 Public/Subsidized Housing 12 Pregnant/Parenting Youth 13 Non-English H.S. Diploma/GED 14 Enterprise Community Zone/ High Poverty Census Tract	<p>¹ This list is provided to suggest possible sources of documentation. This list does not comprise a complete list of possibilities, nor does it imply that the sources shown are preferable to other sources that may be identified for use in local eligibility policies.</p>

New Rules

ELIGIBILITY DOCUMENTATION SOURCES

This chart provides a summary of the WTW eligibility items and possible sources of eligibility documentation. Operating entities must indicate, in the local Eligibility Policy, eligibility documentation sources that will be used for each eligibility item.

WTW Eligibility Items	Possible Sources of Eligibility Documentation ¹
<u>Recipient Status</u> TANF Recipient Long-Term Recipient Time-Limited Recipient Exhaustee	<u>Recipient (must include one of these)</u> TANF Master File with DTA Case # (SUN) Employment Services Program ESP 16 Form Local Office SDA/DTA Certified Verification Form DTA Clock File (MOSES) DTA Referral and Response Form
<u>Non-Custodial Parent Status</u> Non-Custodial Parent Difficulty Paying Child Support	<u>Non-Custodial Parent (must include one of these)</u> Court Records/Divorce Papers Letter from Department of Revenue Letter from DTA
<u>30% Categories/Characteristics</u> 1 H.S. Dropout 2 Low Reading and/or Math Skills 3 Substance Abuse 4 Poor Work History 5 Limited English 6 Homeless 7 More than One Dependent 8 Disabled 9 Disabled Family Member 10 Offender 11 Public/Subsidized Housing 12 Pregnant/Parenting Youth 13 Non-English H.S. Diploma/GED 14 Enterprise Community Zone/ High Poverty Census Tract 15 Former Foster Care Youth 16 Lacks Self-Sufficiency 17 Custodial Parent Below Poverty	<u>30% Categories/Characteristics</u> <ul style="list-style-type: none"> • Assessment (Completed by DTA) • Individual Responsibility Plan (DTA) • Assessment Completed by Operator • Individual Service Strategy (ISS) by Operator • Annualized Income Documentation • Applicant Statement • Letter from Department of Revenue • Generally accepted standardized test scores • Test scores from school records • Letter from Drug/Alcohol Rehabilitation Agency • Medical records • Physician's statement • Rehabilitation evaluation • Social service records <p>¹ <i>This list is provided to suggest possible sources of documentation. This list does not comprise a complete list of possibilities, nor does it imply that the sources shown are preferable to other sources that may be identified for use in local eligibility policies.</i></p>